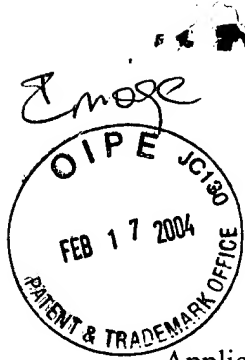


1636



PATENT

ATTORNEY DOCKET NO.: MEDIV2010-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kornowski et al. Art Unit: 1636
 Application No.: 09/868,411 Examiner: R. Akhavan
 Filed: June 14, 2001 Confirmation No.: 9283
 Title: INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE MARROW

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Sir:

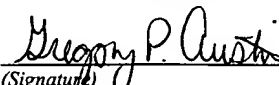
Transmitted herewith for the above-identified application please find:

1. Preliminary Amendment and Response to Restriction Requirement mailed January 13, 2004 (15 pages); and
2. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, **February 12, 2004**, in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gregory P. Austin
 (Name of Person Mailing Paper)


 (Signature)

February 12, 2004
 (Date)

Applicant(s): Kornowski et al.
Application No.: 09/868,411
Filed: June 14, 2001
Page 2

PATENT
Attorney Docket No.: MEDIV2010-2

Applicant claims **SMALL ENTITY status** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

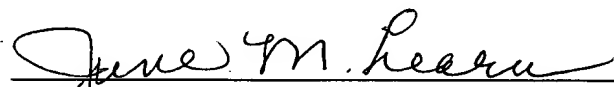
The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity Rate	Large Entity Rate	Calculations
Total Claims	81	102	0	x \$09	x \$18	\$.00
Independent Claims	6	6	0	x \$43	x \$86	\$.00
Multiple Claims	-	-		\$145	\$290	\$.00
Basic Filing Fee				\$385	\$770	\$.00
					TOTAL FEE	\$.00

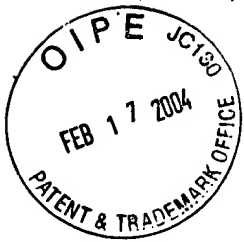
No fee is deemed necessary in connection with the filing of this paper. However, if a fee is required, the Commissioner is hereby authorized to charge any required fee associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: February 12, 2004


June M. Learn, J.D., Ph.D.
Attorney for Applicants
Registration No. 31,238
Telephone: (858) 677-1416
Facsimile: (858) 677-1465

USPTO Customer Number 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133



PATENT
ATTORNEY DOCKET NO.: MEDIV2010-2

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT
AND
RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Prior to substantive examination of this application and in response to the Restriction Requirement dated January 13, 2004, please amend the claims as follows and consider the following remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page two of this paper.

Remarks/Arguments begin on page fourteen of this paper.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, February 12, 2004, in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Gregory P. Austin (Name of Person Mailing Paper)	
Gregory P. Austin (Signature)	February 12, 2004 (Date)